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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,037	02/17/2004	James Patrick Haffey Green	1057-002	9269

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EXAMINER

MILLER, WILLIAM L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,037

Applicant(s)

GREEN, JAMES PATRICK
HAFFEY

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 23-33, 36 and 48 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14, 16, 19, 34, 35, 37, 38, 40 and 49 is/are allowed.
- 6) ☒ Claim(s) 15, 17, 20-22, 39, 41-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 1-10, 23-33, 36, and 48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claim Objections

2. Claims 11, 20, and 42 objected to because of the following informalities:

claim 11, line 1, before “device” insert --remains--;

claim 20, line 1, after “box-urn” insert --for storing cremains--; and

claim 42, line 2, after “box-urn” insert --for storing cremains--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 15, 17, 20-22, 39, 41-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claim 15, it is unclear if the screws are referencing the previously recited “sealed” condition of claim 11, line 10 (see spec, page 5, lines 13-16 of paragraph [44]).
5. Regarding claim 17, it is unclear if the tongue and groove joints are referencing the previously recited mortise and tenon joints of claim 11.
6. Regarding claim 20, the phrase “permanently sealed vents” is contradictory and unclear with respect to the required/implied structure. Further, claim 20 is incomplete for omitting the essential and cooperating walls providing the mortise and tenon joints.
7. Regarding claim 22, the method claim fails to include a method step.

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8. Regarding claim 39, it is unclear if the screws are referencing the previously recited “sealed” condition of claim 37, line 12 (see spec, page 5, lines 13-16 of paragraph [44]).
9. Regarding claim 41, it is unclear if the cremains container is referencing the previously recited wooden-box urn of claim 37. Further, it is unclear how claim 41 further limits claim 37.
10. Regarding claim 42, the phrase “permanently sealed vents” is contradictory and unclear with respect to the required/implied structure. Further, claim 42 is incomplete for omitting the essential and cooperating walls providing the mortise and tenon joints
11. Regarding claim 47, it is unclear if the cremains container is referencing the previously recited wooden-box urn of claim 42. Further, it is unclear how claim 47 further limits claim 42.

Allowable Subject Matter

12. Claims 11-14, 16, 19, 34, 35, 37, 38, 40, and 49 are allowed.
13. Claims 20 and 42 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
14. Claims 15, 17, 21, 22, 39, 41, and 43-47 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
15. As a matter of information, claims 11, 20, 37, and 42 are in independent form. Regarding claims 11, 20, and 42, correction of the above presented claim objections is required to clearly limit the environment of the invention to cremated remains (cremains). Moreover, claims 11, 20, and 42 have been examined and allowed as being limited to a cremated remains (cremains) container and/or method of using a cremated remains (cremains) container. Claim 37 is currently clearly limited to the cremated remains (cremains) environment.

Response to Arguments

16. Applicant's arguments with respect to Zuchowski et al. (US#5230127) have been fully considered and are persuasive.

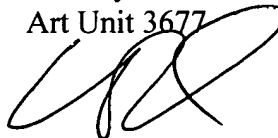
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William L. Miller
Primary Examiner
Art Unit 3677



WLM